

REMARKS

Claims 1-108 are pending. Claims 1, 6, 55-77, and 82 have been amended. Reconsideration of the pending rejections and allowance of the claims in light of the above amendments and following remarks is respectfully requested. Support for the amendments may be found within the entirety of the specification, and particularly, at pages 29-31 and Figures 1 and 2.

I. Rejection Under 35 U.S.C. § 101

Claims 1-108 have been rejected under 35 U.S.C. § 101 as not directed to statutory subject. The Office Action indicates that claims 1-108 are rejected because “nothing the body of claims 1-108 recite any structure or functionality to suggest that a computer performs the recited steps.” Applicants respectfully request withdrawal of the rejection for the following reasons.

First, Applicants submit that claims 1-108 clearly apply, involve, use or advance the technological arts. Indeed, the body of every claim recites structure. Amended independent claim 1 recites “providing response into an electronic data processing system in response to a set of queries associated with the information,” and “determining with the data processing system.” Independent claim 28 is an apparatus claim reciting limitations for “modules” including a “a providing module for providing responses into a data processing system in response to a set of queries associated with the information.” Amended independent claim 55 recites a computer-readable medium including “executable instructions stored on a computer-readable medium for providing response into a data processing system.” Finally, amended independent claim 82 recites an electronic data processing system including the limitation for “means for providing responses into the electronic data processing system” and “means for determining with the

electronic data processing system.” Accordingly, the dependent claims inherit the structure of the claims from which they depend. Therefore, all pending claims 1-108 recites structure and functionality suggested by the Office Action to cure any purported deficiencies. Applicants respectfully request withdrawal of the rejection to claims 1-108.

Second, notwithstanding the above, Applicants submit that the rejection of claims 28-54 under 35 U.S.C. § 101 should be withdrawn, because claims 28-54 relate to “an apparatus for claims data analysis.” Indeed, claims 28-54 recite various structural limitations that clearly apply, involve, use or advance the technological arts. Independent claim 28 includes structural limitations for “a receiving module,” “a providing module,” “a selecting module,” “an associating module,” and “determining module[s].” Each of the dependent claims inherits these limitations by dependency. Accordingly, applicants respectfully request withdrawal of the rejection of claim 28 and the claims dependent therefrom.

Next, claims 55-82 relate to a computer-readable medium containing executable instructions for claim data analysis and do not relate to a process applying mere ideas in the abstract. Accordingly, claims 55-82 as written clearly apply, involve, use or advance the technological arts and include the structure and functionality suggested by the Office Action to cure the purported deficiencies. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 101 of claims 55-82.

Finally, claims 82-108 do not relate to a process applying mere ideas in the abstract, but each relates to “an electronic data processing system for claims data analysis.” Claims 82-108 recite structural limitations that clearly apply, involve, use or advance the technological arts, including limitations for “means for receiving,” “means for providing,” “means for selecting,”

“means for associating,” and “means for determining.” Accordingly, applicants respectfully request withdrawal of the rejection of claim 28 and the claims dependent therefrom.

II. Rejection Under 35 U.S.C. § 103

All pending claims have been rejected under 35 U.S.C. § 103(a). Claims 1-3, 5-23, 27-30, 32-50, 54-57, 59-77, 81-84, 86-104 and 108 have been deemed obvious over US Patent 5,712,984 to Hammond et al. in view of US Patent 5,930,759 to Moore et al., US Patent 5,359,509 to Little et al. and further in view of “SAP, Andersen Offer P-C Product,” by Trembly (“Trembly”). Claims 4, 24-26, 31, 51-53, 58, 78-80, 85, 105-107 have been deemed obvious over Hammond, Moore, Little, and Trembly, in further view of US Patent 5,671,409 to Fatseas et al. Applicants respectfully submit that the pending claims are not obvious in view of the cited combinations.

The Claims Data Analysis Toolkit

First, Applicants reiterate that pending claims 1-108 relate to a claims data analysis toolkit (“CDA Toolkit”) including methods, apparatuses, and systems, and a computer-readable medium. A calculation of a loss economic opportunity may be determined based on a failure to use the best practices. (Page 4). The CDA toolkit includes determining a best practice associated with processing a plurality of claims, based on a loss economic opportunity associated with the processing of the plurality of claims. The CDA toolkit evaluates optimal claim handling in a claims auditing process to determine the economic impact of an overall claims handling process and provides a measure for auditing the claims handling process to determine a loss economic opportunity where the loss economic opportunity is based on the best practices invoked. (Abstract; Page 4).

The Cited Art Does Not Teach or Fairly Suggest The Claimed Invention

Applicants respectfully submit that the combination of Hammond, Moore, Little, and Trembly do not teach the limitations of independent claim 1. The Office Action indicates the combination of Hammond, Moore, and Little suggests a method for claims data analysis including receiving information associated with a processed claims, providing responses to a set of queries associated with claim information, and associating a best practice with the responses. The Office Action acknowledges that the cited combination of Hammond, Moore, and Little does not disclose or suggest selecting at least one best practice from a predetermined set of best practices associated with a claims handling process, where the loss economic opportunity includes a cost associated with processing the plurality of claims and is determined based on the responses, and determining a best practice associated with processing the plurality of claims based on the loss economic opportunity.

Trembly is cited as illustrating that the features not disclosed or suggested by the Hammond, Moore, and Little combination were known in the art. In particular, the Office Action urges that Trembly suggests selecting at least one best practice from a predetermined set of best practices associated with a claims handling process, where the loss economic opportunity includes a cost associated with processing the plurality of claims and is determined based on the responses, and determining a best practice associated with processing the plurality of claims based on the loss economic opportunity. Applicants respectfully submit that the combination of Hammond, Moore, Little, and Trembly does not disclose or suggest the limitations of amended claim 1.

First, Trembly relates to an announcement for a property-casualty claims processing application that enables insurers and banking institutions to improve business performance. The application in Trembly is based on the “SAP Business Framework and Andersen Consulting’s claims design, which embodies the firm’s vision of future best practices.” Trembly states that the application “increases productivity by enabling companies to classify claims more accurately and to assign critical claims to the most experienced adjusters.” Accordingly, the combination of Hammond, Moore, Little, and Trembly discloses no more than a data processing application based on the “SAP Business Framework and Andersen Consulting’s claims design, which embodies the firm’s vision of future best practices,” that allows companies to accurately classify and assign claims.

Applicants submit that nothing the in the combination of Hammond, Moore, Little, and Trembly discloses or fairly suggests a measure for auditing the claims handling process to determine a loss economic opportunity where the loss economic opportunity is based on the best practices invoked. Indeed, the combination of Hammond, Moore, Little, and Trembly does not disclose “selecting at least one best practice from a predetermined set of best practices associated with a claims handling process,” as recited in claim 1. Trembly discloses a solution based on a claims design that embodies a “vision of future best practices.” However, Trembly fails to disclose or suggest “selecting at least one best practice.” Therefore, Applicants respectfully submit the limitations of claim 1 are not disclosed or suggested by the combination of Hammond, Moore, and Little, and Trembly. Accordingly, the invention of claim 1 would not have been obvious to one skilled in the art would in light of the combination of Hammond, Moore, and Little, and Trembly.

In addition, the combination of Hammond, Moore, Little, and Trembly also fails to disclose or suggest “determining a best practice associated with processing the plurality of claims based on the loss economic opportunity,” as recited by claim 1. As discussed, Trembly also discloses a “vision of future best practices,” but fails to disclose or suggest that “determining a best practice,” as recited in claim 1. Trembly also suggests that the proposed application is “intended to enable insurers to improve loss adjustment expenses by 20 percent to 40 percent while reducing money paid out on claims by an estimated three to five percentage points.” However, Trembly fails to disclose or suggest a best practice is determined “based on the loss economic opportunity,” as recited in claim 1. Accordingly, the limitations of claim 1 are not disclosed or suggested by Hammond, Moore, and Little, and Trembly singly or collectively. Because the limitations of claim 1 are not disclosed or suggested by the combination of Hammond, Moore, and Little, and Trembly, the invention of claim 1 would not have been obvious to one skilled in the art would in light of the cited combination.

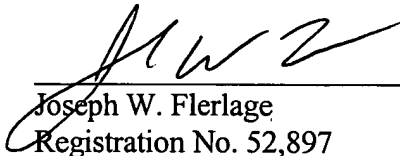
Independent claims 28, 55, and 82 have been rejected for the same reasons suggested for claim 1. Therefore, for the reasons presented above for claim 1, the combination of Hammond, Moore, and Little, and Trembly also does not disclose or suggest these limitations of independent claims 28, 55, and 82. Claims 6 and 56-77 have been amended to reflect amendments to the independent claims from which they depend. Because the combination of Hammond, Moore, and Little, and Trembly art does not disclose or fairly suggest the limitations of independent claims 1, 28, 55, and 82, the prior art also does not disclose the limitations of the claims dependent therefrom.

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In view of the amendments and reasons presented herein, withdrawal of the pending rejection is respectfully requested and allowance is earnestly solicited. Should a telephone conference expedite allowance of the application, the examiner is invited to call the undersigned.

Respectfully submitted,

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